

(A)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR
(DIVISION BENCH)

CORAM : Hon'ble Shri S.R. Nayak, CJ
Hon'ble Shri Satish K. Agnihotri, J.

Misc. Appeal No. 767 OF 2005

APPELLANTS
CLAIMANT

1. Smt. Puni Bai, wd/o Late Mahajan Sahu, aged about 50 years.
2. Ramnath Sahu, S/o Late Mahajan Sahu, Aged about 25 years, Both R/o Through Rajkumar Sahu, Kansa Chowk, Opposite Shitala Mandir, Tikrapara Bilaspur, Tahsil and Distt. Bilaspur (C.G.)

Versus

RESPONDENTS
DRIVER/OWNER

1. Shivshankar Dubey, S/o Late G.P. Dubey, R/o Kota, at present R/o Vill. Masturi, (Police Inspector Police Chowki Pachpedi, P.S. Masturi, District Bilaspur (C.G.)
2. United India Insurance Co. Ltd. Bilaspur, Through Branch Manager Bilaspur, Tahsil and District Bilaspur (C.G.)

Present:

Mr. Gautam Khetrapal, learned counsel for appellants.

Mr. Ali Asgar, learned counsel assisting Mr. Prashant
Jayaswal, Sr. Advocate for respondent No. 2.

ORAL ORDER

(Passed on 15th of December 2005)

The following order of the court was passed by
S.R. Nayak, CJ.

In this appeal preferred by the widow and son of the deceased seeking more compensation, what was urged before us is that what is awarded by the MACT towards loss of consortium is very much on lower side. It was also contended that the MACT is not justified in not awarding any compensation towards loss to estate and towards funeral

expenses. We find merit in the contention of learned counsel for the appellants. Even the compensation to be awarded by the MACT under the conventional heads should reflect time and place of the accident and the steep fall in money value and it could not be static. The MACT would not be justified in awarding compensation under the conventional heads at the same rates at which they were awarded decades back. In that view of the matter, we award a sum of Rs. 20,000/- towards loss of consortium and another sum of Rs. 20,000/- towards loss to estate and Rs. 5,000/- towards funeral expenses. The impugned award shall stand modified accordingly. In all other respects, the impugned award shall stand unaltered. In the facts and circumstances of the case, the parties shall bear their respective costs.

2. The appeal is allowed to the above extent.

Sd/-
Chief Justice

Sd/-
Satish K. Agnihotri
Judge

Subby